

REMARKS

Claims 9-18 are pending in this application. By this Amendment, claim 9 and withdrawn claim 13 are amended, and new claims 17 and 18 are added. Claims 13-16 are withdrawn. Support for the amendment to claims 9 and 13 may be found for example, in the original claims, specifications and drawings. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

The courtesies extended to Applicant's representative by Examiners Kemmerle and Griffin at the interview held on November 29, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

I. Restriction Requirement

Applicants affirm the election of Group I, claims 9-12. The restriction requirement is traversed for all of the reasons previously set forth.

II. Rejection under 35 U.S.C. §112

Claim 12 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejections is respectfully traversed.

As discussed in the interview, claim 12 is not indefinite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

III. Double Patenting

The Office Action provisionally rejects claims 9-12 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 7-10 of copending Application No. 10/531,873. The provisional rejection is respectfully traversed.

No action by Applicants is required at this point. MPEP §822.01 provides that if the "provisional" double patenting rejection in one application is the only rejection remaining in

the application, as is the case here for the reasons set forth below, the Examiner should then withdraw that rejection and permit the application to issue as a patent.

Accordingly, reconsideration and withdrawal of the non-statutory obviousness-type double patenting rejection upon the allowance of the subject matter of the pending claims are respectfully requested.

IV. Rejection under 35 U.S.C. §102

The Office Action rejects claims 9-12 under 35 U.S.C. §102(b) as being anticipated by Beall. These rejections are respectfully traversed.

Independent claim 9 is amended to recite, "an organic binder [and] a pore former that *differs in composition* from said organic binder" (emphasis added). However, Beall does not disclose this feature of claim 9. In fact, the Office Action admits, on page 5, that "Beall does not specifically disclose an additive put in specifically for the purpose of forming pores," and thus relies on Beall's disclosure of an organic binder to serve the dual purpose of forming pores and acting as a reinforcing agent.

Accordingly, because Beall does not disclose "an organic binder [and] a pore former that differs in composition from said organic binder," as recited by claim 9, Beall does not anticipate independent claim 9 or the claims dependent therefrom. Accordingly, reconsideration and withdrawal of the rejections over claims 9-12 are respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Hee H. Smith
Registration No. 57,631

JAO:HHS/kxs

Date: December 20, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461